

**REMARKS**

Claims 1-61 are pending in the present application. Reconsideration of the claims is respectfully requested.

**I. 35 U.S.C. § 102, Alleged Anticipation, Claims 1-61**

The Final Office Action rejects claims 1-61 under 35 U.S.C. § 102(b) as being anticipated by Dunham et al. (U.S. Patent No. 6,714,952 B2). Because this rejection is essentially the same as in the previous Office Action, this rejection is respectfully traversed for the same reasons stated in the previous response filed July 2, 2004, the remarks of which are hereby incorporated by reference. In the July 2, 2004 response, Applicants respectfully submitted that Dunham teaches a method of backing up and restoring data files that are used by multi-linguistic computer networks. Dunham employs metadata files that store useful information about the attributes of data files and that aid in the translation of the data files into different languages. However, the Abstract of Dunham does not indicate that an association is present between the application and the data file. In response to these arguments, the Examiner states:

As to the above argument [a], firstly, Dunham et al. is directed to a backup and restore of multi-lingual network files, more specifically multiple metadata files that are associated with data file system [see Abstract], secondly, the basic definition of metadata means **"data about data"**; thirdly, Dunham specifically teaches relation between meta data files and single data file, further metadata defined as single parameter for an application programming interface (API) [see Abstract]. Examiner further notes that Dunham et al specifically suggests for example different file names by which a single set of file data may be referred [see col 5, line 67, col 6, line 1]. As best understood by the examiner, the association between application and data files are established through application programming interface as detailed in Abstract. It is also noted that applicant agree with the examiner's assertion that Dunham does teach metadata files that store useful information about attributes of data files and that aid a translation of the data files into different languages [see page 14].

Final Office Action dated November 16, 2004, pages 7-8.

While Dunham may teach metadata files that store useful information about attributes of data files and that aid a translation of the data files into different languages. Those metadata files do not contain information about the files associated with a particular application. That is, the metadata files of Dunham store information about a data file and do not include information about the application that may use that data file. Furthermore, while Dunham may teach a relationship between metadata files and single data file, Dunham specifically teaches packaging the metadata as a single parameter of an application programming interface (API) for a particular data file being backed up or restored over a network. The API is an interface by which an application program accesses operating system and other services. The packaging of the metadata to the API is not equivalent to querying a data store containing metadata regarding files associated with the application as an API is not an application.

In the July 2, 2004 response, Applicants respectfully submitted that Dunham does not indicate that an association is present between the application and the data file. On the contrary, the abstract and the previously cited sections indicate a general backup of data files with no teaching of an association of the data file to the application. The data files in the Dunham backup method may or may not be associated with a particular application. No method is taught in Dunham to make this association. Therefore, the abstract and previously cited sections do not support the Examiner's allegation that Dunham contains a feature "responsive to a request to backup data associated with an application." Nowhere in any section of Dunham is there a mention of an association between data files and the applications that access these files. In response to these arguments, the Examiner states:

As to the arguments [b-d], Dunham specifically teaches metadata of a particular data file represented as a particular parameter and associated with application programming interface for a specific data file to be restored or backed up [see Abstract], further Dunham teaches performing especially remote backup operations to backup data using remote procedure call establishing relationship between respective metadata that describes specific data file as detailed in column 2, lines 46-51, therefore, Dunham teaches not only establishing relation between data files and specific application, but also processing the request to backup data files.

Final Office Action dated November 16, 2004, pages 8-9.

As shown above, an association of a metadata file to an API is not the same as metadata files associated with an application. That is an API is an interface by which an application program accesses an operating system and other services and is not an actual application.

In the July 2, 2004 response, Applicants respectfully submitted that "a request to backup data associated with an application" does not correspond to "performing a data backup operation that are associated with the data and respective application," as the Examiner alleges. Backing up data associated with an application indicates that the data backed up is particularly associated with an application. As an example, a user could request the backup of all the files associated with a word processing application. The backup application would respond with a list of all files that are associated with the word processing application exclusively, no matter what directory the data file was in or what file extension the data file had. In response to these arguments, the Examiner states:

As to the above argument [e], as explained above, Dunham is directed to backup and restoration of data, more specifically describing metadata and respective attributes [see col 2, line 16-25], also, Dunham specifically discusses variety of data formats and files required to be backed up or restored, related to different applications [see col 1, line 16-31], as best understood by the examiner, these data files or formats are created based on a particular application supported by any operating systems for example NT or UNIX file system, infact, Dunham supports variety of file systems for example BT file system, common internet file system, NT and UNIX file system [see col 4, lines 36-51, fig 1], therefore, Dunham teaches association between different data files and their applications.

Final Office Action dated November 16, 2004, page 9.

Applicants respectfully submit that Dunham teaches backing up files associated with the server and the metadata is associated with each file residing on the server. There is no teaching in the Dunham reference where the metadata defines the files associated with a particular application. Furthermore, Dunham does not teach a request to backup data associated with an application but, rather, backup data associated with a server.

In the July 2, 2004 response, Applicants respectfully submitted, with regard to the cited sections col. 2, lines 39 to 43, col. 3, lines 7 to 17, col. 5, line 63 to col. 6, line 11, and col. 7, lines 30 to 38, Dunham teaches a backup method for a network that has more

than one system language, and that several metadata files can be delivered in a single request. The passages also teach that at least two metadata files corresponding to at least two different computer systems are transmitted on a network connection. The passages then describe the catalog as generally a system of storing the various data files and metadata files associated with them. The passage goes on to list information that could be contained in the metadata files and therefore the catalog. However, associations of applications with the data files are not included in this list, nor mentioned anywhere in the Dunham reference. Further, Dunham's method teaches that more than one computer system must be included in the network, contrary to the present invention that can function on a single computer. Dunham teaches that the set of metadata files that are associated with a data file are cataloged, and that the catalog includes different file names (following the naming conventions of each operating system) for a single set of file data. In contrast, claim 1 includes the application or applications associated with the data file in the data store. In response to these arguments, the Examiner states:

As to the above argument [f], as explained above, Dunham is directed to backup and restoration of files, and respective attributes in association with application program interface [see Abstract, further UNIX, NT system supports various data file formats and data files for example NT file system by Microsoft or CIFS or common internet file system by Microsoft, these data files or formats are created based on a particular application supported by any operating systems for example NT or UNIX file system, in fact, Dunham supports variety of file systems for example BT file system, common internet file system, NT and UNIX file system [see col 4, lines 36-51, fig 1], therefore, Dunham teaches associations of applications with the data files.

Final Office Action dated November 16, 2004, page 10.

Applicants respectfully submit that Dunham does not teach an association of applications with metadata file. As discussed above, Dunham teaches backing up files associated with the server and the metadata is associated with each file residing on the server. There is no teaching in the Dunham reference where the metadata defines the files associated with a particular application. Even if the metadata information were associated with a UNIX or NT API, then the metadata information would then be associated with either an operating system or an application program interface. As shown above, an association of a metadata file to an API is not the same as metadata files associated with an application.

That is an API is an interface by which an application program accesses an operating system and other services and is not an actual application. Thus, Dunham does not teach associations of applications with the metadata files.

In view of the above, Applicants submit that independent claims 1, 11, 17, 24, 30, 40, 46, and 56 are not taught by Dunham. Claims 2-10, 12-16, 18-22, 25-29, 31-39, 41-45, 47-55, 57-61 are dependent claims depending on independent claims 1, 11, 17, 24, 30, 40, 46, and 56, respectively. These dependent claims are patentable over Dunham for the same reasons as the independent claims and contain additional features not shown in the cited reference. For example, claims 2, 12, 18, 24, 31, 41, 47, and 57 teach using a standard backup program to backup the data files associated with an application. As stated above, the data files backed up in the Dunham reference may or may not be associated with a particular application. The feature of backing up data files associated with an application with a standard backup program is not taught in Dunham. Therefore, the rejection of claims 1-61 under 35 U.S.C. § 102(e) has been overcome.

## **II. Conclusion**

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: January 18, 2005

Respectfully submitted,

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